



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

999 Whipple Road
Tewksbury, MA 01876

Robert Dugan, Chairman
Len Dunn, Vice Chair
Gerald Kutcher
Associate Members:
Jaime Doherty
Dianne Bartalamia

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES June 25, 2015

The meeting was called to order by Rob Dugan, Chairman, at 6:30 p.m. at the Pike House (temporary town hall). Present at the meeting were Gerald Kutcher, Diane Bartalamia, and Melissa Johnson, Recording Secretary.

Len Dunn and Jaime Doherty were not in attendance.

Approval of Meeting Minutes – May 28, 2015

MOTION: Mr. Kutcher made the motion to approve the May 28, 2015 meeting minutes; seconded by Ms. Bartalamia and the motion carried 3-0.

CONTINUED NEW HEARING

Marguerite J. Bradshaw/Chester Briggs as a party aggrieved for review of a decision made by the Building Inspector in a letter dated August 15, 2014 as filed with this Board. Said property is located at **967 Main Street**, Assessor's Map 47, Lot 75, zoned Commercial.

Mr. Dugan noted that the applicant continues to work with the town to resolve this matter and has requested a continuance to August 27, 2015.

MOTION: Ms. Bartalamia made the motion to continue Marguerite J. Bradshaw/Chester Briggs as a party aggrieved for review of a decision made by the Building Inspector in a letter dated August 15, 2014 as filed with this Board. Said property is located at 967 Main Street, Assessor's Map 47, Lot 75, zoned Commercial to August 27, 2015 at 6:30 p.m.; seconded by Mr. Kutcher and the motion carried 3-0.
DUGAN, KUTCHER, BARTALAMIA

NEW HEARINGS

Thomas Arsenault for a variance under Section 4130, Appendix B of the Tewksbury Zoning Bylaw for insufficient front yard setback for the existing structure as shown on plans filed with this Board. Said property is located at **109 Georgia Road**, Assessor's Map 81, Lot 206, zoned Residential.

Present was Thomas Arsenault of 109 Georgia Road. Mr. Arsenault explained that he applied for a building permit a few years ago for a two car garage with an "in law" apartment above. Since that time his mother passed away and they have decided not to do the in law apartment. Mr. Arsenault explained that when he applied for the building permit, the town informed him that the existing plot plan was illegible and would have to be redone. Mr. Arsenault explained that it was then brought to his attention that there is a 25 foot setback that would need to be maintained for the addition. As a result, a surveyor was hired and the corners of the addition were marked out and the addition was moved back an extra foot from where it was measured. Mr. Arsenault explained that his error was he thought the setback applied to the foundation and not the structure.

Mr. Dugan asked if the in law apartment was constructed with the garage and Mr. Arsenault explained that the garage was built and the in-law was never finished and is currently empty space. Mr. Dugan asked if the request is for a 6 inch variance for the overhang and Mr. Arsenault confirmed this and showed the Board photographs of the home and areas in question.

Mr. Arsenault noted that he also applied for a building permit for remodeling of the basement in the existing home and was told by the Building Inspector that the permit would not be granted until this issue has been resolved.

Mr. Dugan requested the plot plan for the original building permit application and Mr. Arsenault provided this.

Mrs. Bartalamia asked when the project was started and Mr. Arsenault explained that it has been an ongoing process as he has been doing the work himself. Mr. Arsenault noted that the project was being funded by his mother until she passed away.

Mr. Dugan opened the hearing to the public and no one came forward to comment.

MOTION: **Mr. Kutcher made the motion to close both parts of the hearing; seconded by Ms. Bartalamia and the motion carried 3-0.**

MOTION: **Ms. Bartalamia made the motion to approve Thomas Arsenault for a variance under Section 4130, Appendix B of the Tewksbury Zoning Bylaw for insufficient front yard setback for the existing structure as shown on plans filed with this Board. Said property is located at 109 Georgia Road, Assessor's Map 81, Lot 206, zoned Residential. Said variance is for the front overhang of 6 inches and the bump out of 5 inches; seconded by Mr. Kutcher and the motion carried 3-0.**

DUGAN, KUTCHER, BARTALAMIA

Redevelopment Associates, LLC, John Carroll, Manager for a Special Permit under Section 3630 of the Tewksbury Zoning Bylaw to construct a new single family home as shown on plans filed with this Board. Said property is located at **4 South Amos Street**, Assessor's Map 70, Lot 1466, zoned Residential.

Present was John Carroll of 1501 Main Street, Suite 15, Tewksbury, MA. Mr. Carroll explained that he is requesting a special permit for the property located at 4 South Amos Street. The lot is approximately 16,700 square foot lot with an existing dwelling that is in disrepair. Mr. Carroll is proposing to demolish the existing home and rebuild a new home. Mr. Carroll explained that the lot was split under a variance in 1986 and this is the basis for the Building Inspector's request that he obtain a Special Permit as he would like him to prove that the new home would not be more detrimental to the neighborhood. Mr. Carroll noted that he feels that because a new home is being constructed, it would not be a detriment to the neighborhood and would be an improvement.

Mr. Dugan explained that the Building Inspector is stating that prior to July 11, 1986 the lot was conforming and then it was subdivided. The Building Commissioner has determined that the project does not qualify as an existing nonconforming lot and is requesting a special permit to determine that it will not be more detrimental than the existing structure.

Mrs. Bartalamia asked what is located on the other portion of the lot when it was split and Mr. Carroll explained that there is another home that was constructed approximately 30 years ago. Mr. Dugan asked if the home that is being demolished is the original home prior to when the lot was subdivided and Mr. Carroll confirmed this and noted that the existing home is within 11 feet of the side lot line and the new home will conform to all required setbacks.

Ms. Bartalamia asked if the new structure is larger and Mr. Carroll noted that the footprint is smaller than the existing; the existing footprint is approximately 2,400 and the new foot print is approximately 1,350 square feet. Mr. Carroll noted that the proposed home is a 50x27 foot ranch and the existing home is an 80x30 foot colonial.

Mr. Dugan requested a print of what is being constructed and Mr. Carroll provided this as well as photographs of the existing home.

Mr. Dugan opened the hearing to the public.

Sandra Zenga of 2 South Amos Road came forward and noted that she was told by the prior occupant at 4 South Amos that there was a rodent problem in the house and explained that she would like to ensure that the home is fumigated prior to it being demolished so that they do not get the rodents onto their property. Mr. Carroll explained that he has discussed this with Lou-Ann Clement, Board of Health Director, and they have set bait traps and taken pictures. Mr. Carroll noted that Ms. Clement is required to sign off on the permit as well and that he has provided all of the necessary paperwork to the Board of Health on this. Mr. Carroll noted that he

does a lot of demolition work and this is customary. Mrs. Bartalamia suggested Ms. Zenga also follow up with the Board of Health on this.

MOTION: Mr. Kutcher made the motion to close both parts of the hearing; seconded by Ms. Bartalamia and the motion carried 3-0.

MOTION: Ms. Bartalamia made the motion to approve Redevelopment Associates, LLC, John Carroll, Manager for a Special Permit under Section 3630 of the Tewksbury Zoning Bylaw to construct a new single family home as shown on plans filed with this Board. Said property is located at 4 South Amos Street, Assessor's Map 70, Lot 146, zoned Residential, the applicant is to construct a colonial with the dimensions set forth in the application filed with the Board and similar to the photograph provided to the Board on June 25, 2015, the proposed home shall be tied into town sewerage as requested by the Board of Health; seconded by Mr. Kutcher and the motion carried 3-0.
DUGAN, KUTCHER, BARTALAMIA

New Business

There was no new business.

Old Business

There was no old business.

Adjourn.

MOTION: Ms. Bartalamia made the motion to adjourn; seconded by Mr. Kutcher and the motion carried 3-0.

Approved: 7/30/15

List of documents for 6/25/15 Agenda
Documents can be located at the Community Development Office

Approval of Minutes – May 28, 2015

CONTINUED NEW HEARING

6:30 P.M. **Marguerite J. Bradshaw/Chester Briggs** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated August 15, 2014 as filed with this Board. Said property is located at **967 Main Street**, Assessor's Map 47, Lot 75, zoned Commercial.

NEW HEARINGS

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- *Application packet dated 5/27/15.*
- *Memo 6/12/15 to Sadwick fr Director of Public Health.*

6:30 P.M. **Thomas Arsenault** for a variance under Section 4130, Appendix B of the Tewksbury Zoning Bylaw for insufficient front yard setback for the existing structure as shown on plans filed with this Board. Said property is located at **109 Georgia Road**, Assessor's Map 81, Lot 206, zoned Residential.

- *Application packet date 5/18/15.*

Old Business

New Business *Copy of Letter 3/25/15 fr CHAPA to ZBA re: Livingston Place, Roberts Reach and Shawsheen Woods*
Adjournment